

ORIGINAL

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

	X	
BRIARWOOD INVESTMENTS, INC., Individually	:	07 CIV 8159 (LLS)
and On Behalf of All Others Similarly Situated,	:	
	:	
Plaintiff,	:	MOTION TO ADMIT
	:	COUNSEL PRO HAC
	:	VICE
- against -	:	
CARE INVESTMENT TRUST INC.,	:	
	:	
Defendant.	:	
	X	

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Andrew D. Kaizer, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission pro hac vice of

Applicant's Name: Amanda J. Metts  
 Firm Name: McDermott Will & Emery LLP  
 Address: 227 West Monroe Street  
 City/State/Zip: Chicago, Illinois  
 Phone Number: (312) 372-2000  
 Fax Number: (312) 984-7700

and

Applicant's Name: Jeffrey M. Hammer  
 Firm Name: McDermott Will & Emery LLP  
 Address: 227 West Monroe Street  
 City/State/Zip: Chicago, Illinois  
 Phone Number: (312) 372-2000  
 Fax Number: (312) 984-7700

MAY 22 2008

NY 050-652179

Amanda J. Metts is a member in good standing of the Bars of the Commonwealth of Massachusetts and State of Illinois and Jeffrey M. Hammer is a member in good standing of the Bar of the State of Illinois. There are no pending disciplinary proceedings against Amanda J. Metts or Jeffrey M. Hammer in any State or Federal court.

Dated: May 20, 2008  
New York, New York

Respectfully submitted,

  
Andrew D. Kaizer (AK 9730)  
McDERMOTT WILL & EMERY LLP  
340 Madison Avenue  
New York, NY 10173-1922  
(212) 547-5400 (voice)  
(212) 547-5444 (fax)

CHI99 4977136-1.079947.0014

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

	----- X -----	
BRIARWOOD INVESTMENTS, INC., Individually and On Behalf of All Others Similarly Situated,	:	07 CIV 8159 (LLS)
	:	
Plaintiff,	:	AFFIDAVIT OF ANDREW D. KAIZER IN SUPPORT OF MOTION TO ADMIT COUNSEL <i>PRO HAC VICE</i>
- against -	:	
CARE INVESTMENT TRUST INC.,	:	
	:	
Defendant.	:	
	X	

State of New York )  
                      )  
                      ss:  
County of New York )

ANDREW D. KAIZER, being duly sworn, hereby deposes and says as follows:

1. I am a member of the law firm of McDermott Will & Emery LLP, counsel for Defendant Care Investment Trust Inc., in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Defendant's motion to admit Amanda J. Metts and Jeffrey M. Hammer as counsel *pro hac vice* to represent Defendant in this matter.

2. I am a member in good standing of the Bar of the State of New York, and was admitted to practice law in New York on April 13, 1987. I am also admitted to the Bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. I have known Amanda J. Metts since May 2008.

4. Ms. Metts is a member of the law firm of McDermott Will & Emery LLP.

5. I have found Ms. Metts to be a skilled attorney and a person of integrity. She is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

6. I have known Jeffrey M. Hammer since April 2008.

7. Mr. Hammer is a member of the law firm of McDermott Will & Emery LLP.

8. I have found Mr. Hammer to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.

9. Accordingly, I am pleased to move the admissions of Amanda J. Metts and Jeffrey M. Hammer, *pro hac vice*.

10. I respectfully submit a proposed order granting the admission of Amanda J. Metts and Jeffrey M. Hammer, *pro hac vice*, which is attached hereto as Exhibit A.

WHEREFORE it is respectfully requested that the motion to admit Amanda J. Metts and Jeffrey M. Hammer, *pro hac vice*, to represent Defendant Care Investment Trust Inc. in the above captioned matter, be granted.

Dated: May 20, 2008  
New York, New York

Respectfully submitted,

  
Andrew D. Kaizer (AK#730)  
McDERMOTT WILL & EMERY LLP  
340 Madison Avenue  
New York, NY 10173-1922  
(212) 547-5400 (voice)  
(212) 547-5444 (fax)

Sworn to before me this  
20th day of May, 2008



Notary Public

CHI99 497128 MAUREEN R CORRAO  
Notary Public, State of New York  
No. 01CO4757410  
Qualified in Richmond County  
Commission Expires July 12, 2011

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

	X
<b>BRIARWOOD INVESTMENTS, INC., Individually</b>	:
<b>and On Behalf of All Others Similarly Situated,</b>	:
	:
	:
<b>Plaintiff,</b>	:
	:
<b>- against -</b>	:
	:
<b>CARE INVESTMENT TRUST INC.,</b>	:
	:
	:
<b>Defendant.</b>	:
	X

Upon the motion of Andrew D. Kaizer, attorney for Defendant Care Investment Trust Inc., and said sponsor attorney's affidavit in support;

**IT IS HEREBY ORDERED** that

Applicant's Name: Amanda J. Metts  
 Firm Name: McDermott Will & Emery LLP  
 Address: 227 West Monroe Street  
 City/State/Zip: Chicago, Illinois  
 Phone Number: (312) 372-2000  
 Fax Number: (312) 984-7700

and

Applicant's Name: Jeffrey M. Hammer  
 Firm Name: McDermott Will & Emery LLP  
 Address: 227 West Monroe Street  
 City/State/Zip: Chicago, Illinois  
 Phone Number: (312) 372-2000  
 Fax Number: (312) 984-7700

are admitted to practice *pro hac vice* as counsel for Defendant Care Investment Trust Inc. in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [nysd.uscourts.gov](http://nysd.uscourts.gov). Counsel shall forward the *pro hac vice* fee to the Clerk of the Court.

Dated:

New York, New York

---

Louis L. Stanton, U.S.D.J.

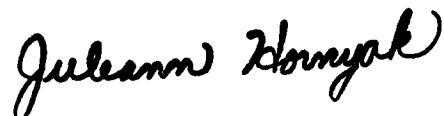
## Certificate of Admission To the Bar of Illinois

I, Juleann Hornyak, Clerk of the Supreme Court of Illinois, do hereby certify that

Amanda J. Metts

has been duly licensed and admitted to practice as an Attorney and Counselor of Law within this State; has duly taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by law, that said name was entered upon the Roll of Attorneys and Counselors in my office on August 15, 2006 and is in good standing, so far as the records of this office disclose.

In Witness Whereof, I have hereunto placed my hand and affixed the seal of said Supreme Court, at Springfield, in said State, this Friday, May 09, 2008.



Clerk

**COMMONWEALTH OF MASSACHUSETTS**

SUFFOLK, SS.

BE IT REMEMBERED, that at the Supreme Judicial Court holden at Boston  
within and for said County of Suffolk, on the **ninth**  
day of **July** A.D. **1999**, said Court being the highest  
Court of Record in said Commonwealth:

Amanda J. Metts

being found duly qualified in that behalf, and having taken and subscribed  
the oaths required by law, was admitted to practice as an Attorney, and, by  
virtue thereof, as a Counsellor at Law, in any of the Courts of the said  
Commonwealth: that said Attorney is at present a member of the Bar, and  
is in good standing according to the records of this Court\*.

In testimony whereof, I have hereunto set my hand and affixed the

seal of said Court, this **thirteenth** day of **May**

in the year of our Lord **two thousand and eight**.



A handwritten signature in black ink that reads "Maura S. Doyle".  
**MAURA S. DOYLE, Clerk**

\* Records of private discipline, if any, such as a private reprimand imposed by the Board of Bar Overseers or by any court, are not covered by this certification.

## Certificate of Admission To the Bar of Illinois

I, Juleann Hornyak, Clerk of the Supreme Court of Illinois, do hereby certify that

Jeffrey Hammer

has been duly licensed and admitted to practice as an Attorney and Counselor of Law within this State; has duly taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by law, that said name was entered upon the Roll of Attorneys and Counselors in my office on January 12, 2007 and is in good standing, so far as the records of this office disclose.

In Witness Whereof, I have hereunto placed my hand and affixed the seal of said Supreme Court, at Springfield, in said State, this Friday, May 09, 2008.



Clerk

**CERTIFICATE OF SERVICE**

Robert Candella, pursuant to 28 USC 1746, hereby declares under penalty of perjury, that on the 21st day of May, 2008, I caused the accompanying Motion to Admit Counsel Pro Hac Vice to be served on all parties herein via United States First Class Mail.



Robert Candella